IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2213 OF 2006

Baijnath Ramdeo Jaiswar ...Petitioner

Vs.

The Deputy Commissioner of Police
& Ors. ...Respondents

Shri R.P.Ojha for the Petitioner.

Shri Y.M.Nakhwa, A.P.P for the State.

CORAM : A. S. OKA, J.
DATE : OCTOBER 10, 2006.

P.C.:

. Not on board. Taken on board.

1. Heard the Advocate appearing for the Petitioner and the learned A.P.P for the State. The grievance of the Advocate for the petitioner is that though an Application for stay has been filed in an Appeal preferred by the Petitioner for challenging the order of externment passed under the Bombay Police Act, 1951, the Appellate Authority has declined to consider the prayer for stay on merits and has declined to pass any order on the said Application.

2. The Advocate for the Petitioner submits that the Petitioner is entitled to order of stay.

3. As Application for stay is still pending before the Appellate Authority, this Petition need not be entertained. Interests of justice will be served if Appellate Authority is directed to forthwith consider the Application for stay filed by the Petitioner.

4. Hence, Petition is disposed of by passing following order:

(i) The Appellate Authority will immediately consider the Application for stay filed by the Petitioner and will pass appropriate order thereon as expeditiously as possible.

(ii) Parties to act upon an authenticated copy of this order.

JUDGE